



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17]

RIN 2120-AA66

Proposed Amendment and Establishment of Class D and E Airspace; Concord, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, establish Class E airspace designated as an extension to a Class D surface area, and amend Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC. The FAA is proposing this action as a result of the Charlotte Class B Biennial Review. This action would also update the airport's name to Concord-Padgett Regional Airport, (formerly Concord Regional Airport). In addition, this action would also update the geographic coordinates of the airport to coincide with the FAA's database. This action would also make an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D and E airspace. Controlled airspace is

necessary for the safety and management of instrument flight rules (IFR) in the area.

DATES: Comments must be received on or before [INSERT DATE 45 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify the Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591; Telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION, CONTACT: John Fornito,
Operations Support Group, Eastern Service Center, Federal Aviation
Administration, 1701 Columbia Avenue, College Park, GA 30337;
Telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class D and E airspace in Concord, NC, as well as establish Class E airspace to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned

regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2021-0520 and Airspace Docket No. 21-ASO-17) and be submitted in triplicate to DOT Docket Operations (see “ADDRESSES” section for the address and telephone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the ADDRESSES section for address and telephone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC, by updating the airports name to Concord-Padgett Regional Airport, (formerly Concord Regional Airport), and updating the geographical coordinates to coincide with the FAA's database. In addition, this action would amend Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC, by increasing the radius to 8.8 miles, (formerly 6.5 miles). This action would also establish Class E airspace designated as an extension to a Class D surface area airspace for Concord-Padgett Regional Airport upward from the surface to within 1 mile each side of the 010° bearing from the Concord-Padgett Regional Airport, extending from the 4.0-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 190° bearing from the airport, extending from the 4.0-mile radius to 6.3 miles southwest from the airport. In addition, the FAA proposes to replace the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class D airspace in the legal descriptions for Concord-Padgett Regional Airport.

Class D and Class E airspace designations are published in Paragraphs 5000, 6004 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is

incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore:

- (1) is not a “significant regulatory action” under Executive Order 12866;
- (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71 -DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000. Class D Airspace

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ASO NC D Concord, NC [Amended]

Concord-Padgett Regional Airport

(lat 35°23'16"N., long. 80°42'33"W.)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4-mile radius of Concord-Padgett Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The

effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004. Class E Airspace Designated as an Extension to Class D
or E Surface Area

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ASO NC E4 Concord, NC [New]
Concord-Padgett Regional Airport
(lat. 35°23'16"N., long. 80°42'33"W.)

That airspace extending upward from the surface within 1 mile each side of the 010° bearing from the Concord-Padgett Regional Airport, extending from the 4.0-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 190° bearing from the airport, extending from the 4.0-mile radius to 6.3 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet
or More Above the Surface of the Earth.

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ASO NC E5 Concord, NC [Amended]
Concord-Padgett Regional Airport
(lat. 35°23'16"N., long. 80°42'33"W.)

That airspace extending upward from 700 feet above the surface within an 8.8-mile radius of the Concord-Padgett Regional Airport.

Issued in College Park, Georgia, on **June 28, 2021.**

MATTHEW N. CATHCART,
Acting Manager, Operations Support Group
Eastern Service Center, Air Traffic Organization

[FR Doc. 2021-14077 Filed: 7/1/2021 8:45 am; Publication Date: 7/2/2021]